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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,058	11/22/2000	Jeffrey W. Chen	6185-221D1XX/09807491	5421

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FULBRIGHT AND JAWORSKI L L P
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EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 12/03/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/721,058

Applicant(s)

CHEN, JEFFREY W.

Examiner

Marc Jimenez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Response to Amendment

1. The preliminary amendment dated 11/22/2000 requested to delete "there between" and insert - - therebetween - - in page 6, line 18, but the cited passage was not found at the indicated page and line.

Claim Objections

2. **Claim 16** is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 16 is identical and dependent upon Claim 15.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 8-11, 13, 15, and 16** are rejected under 35 U.S.C. 102(b) as being anticipated by Chou (4,925,470).

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Chou teaches the following in *Fig. 1-9*: a container having a heat exchange unit **22** (fig. 8) or **14** (fig. 1) therein for heating or cooling food or beverage comprising: an outer vessel **10** (fig. 1 or 8) for containing the food or beverage and having a top and bottom, the bottom defining an opening therethrough and a flange **50** (fig. 8) or **20** (fig. 1) surrounding the opening and extending away from the bottom, and means for non-removably affixing (see fig. 2 or 9) the heat exchange unit **22** (fig. 8) or **14** (fig. 1) to the flange **50** (fig. 8) or **20** (fig. 1). Note the valve cup **36** (fig. 8) or **13** (fig. 1) carrying a valve **12** (fig. 8 or fig. 1). Note the flange **20** (fig. 3) is sandwiched between the valve cup **13** (fig. 1) and the heat exchange unit **14** (fig. 14). Note that the flange **50** extends inwardly from the bottom into the outer vessel **10** interior (see fig. 8), and the flange extends outwardly from the bottom away from the vessel interior (see fig. 1).

5. **Claim 8** is rejected under 35 U.S.C. 102(b) as being anticipated by Shen (4,656,838).

Shen teaches the following in *Fig. 1-3*: a container having a heat exchange unit **11** therein for heating or cooling food or beverage comprising: an outer vessel **20** for containing the food or beverage and having a top **21** and a bottom **22**, the bottom **22** defining an opening **13** therethrough and a flange (below tapered portion of the vessel **20** in fig. 2) surrounding the opening **13** and extending away from the bottom **22**, and means for non-removably affixing (crimped portion left of **15** in fig. 2) the heat exchange unit **11** to the flange.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 9-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shen in view of Aitchison et al. (5,214,933).

Shen teaches the invention cited above with the exception of having a valve cup carrying a valve, and means for non-removably affixing the valve cup to the flange.

Aitchison et al. teach a valve cup **27** carrying a valve **26** (col. 3, lines 56-58), and means for non-removably affixing the valve cup **27** to a flange **17**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Shen with a valve cup carrying a valve, and means for non-removably affixing the valve cup to the flange, in light of the teachings of Aitchison et al., in order to provide a vented system that allows for easy evaporation of the refrigerant.

Note that Aitchison et al. teach that the valve cup **27** (see fig. 4) is outside of the flange **17**. Shen teaches that the heat exchange unit **11** is inside of the flange ("FLANGE" see fig. 2). Therefore, when combining the valve cup **27** of Aitchison et al. with the vessel **20** of Shen, the flange is "sandwiched between the valve cup and the heat exchange unit".

Note that Shen teaches a metal container **20** and heat exchange unit **11**. Aitchison et al. also teach a metal container **12**, valve cup **27**, and heat exchange unit **30**. Shen teaches the heat exchange unit **11** in contact with the flange. Aitchison et al. teach the valve cup **27** in contact with the flange **17**. Shen teaches crimping (see fig. 2 where **20** is attached to **22** and **12**). Shen

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teaches that the flange extends outwardly from the bottom **22** and away from the vessel interior 20.

With respect to Claim 11, Shen/Aitchison et al. teach the invention cited above with the exception of the flange extending inwardly from the bottom into the outer vessel interior.

It would have been obvious to one of ordinary skill, at the time of the invention, that whether the flange extends inwardly from the bottom into the outer vessel interior or the flange extends outwardly from the bottom of away from the outer vessel interior (as taught by the prior art and as claimed in claims 15-16 and described in applicant's specification at page 5, lines 15-16) is clearly a matter of design choice, wherein no significant problems are solved by the flange extending inwardly or outwardly from the bottom.

With respect to Claim 12, official notice is taken that it is well known to use elastomeric seals to properly seal elements.

8. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Chou.

Chou teaches the invention cited above with the exception of using an elastomeric seal.

Official notice is taken that it is well known in the art to use elastomeric seals to provide a leak proof connection.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is (703) 306-5965. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5648.



MJ
November 15, 2001



S. THOMAS HUGHES
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TECHNOLOGY CENTER 3700